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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,489	02/29/2000	Somnath Banik	BANIK 2-73	2128
47396	7590	11/03/2004	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,489

Applicant(s)

BANIK ET AL.

Examiner

Tu X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/4/04 have been fully considered but they are not persuasive.

Regarding independent claims 1, 8, and 18, applicants argue "The DECT system of Junghans, however, does not teach communicating data over a voice channel including responding to a pause in voice traffic by causing a transmitter to transmit the data over the voice channel as recited in Claims 1, 8 and 15. On the contrary, Junghans teaches directing control data to be transmitted through the fast C-plane during periods of silence (see column 2, lines 62-65). The control data, however, is not transmitted over the U-plane, which is for voice data, but is transmitted over the C-plane. Thus, Junghans teaches detecting a period of silence within voice data and then, during that period of silence, transmitting control data over a control data channel (C-plane), not a voice channel (see column 5, line 65 to col.6, line 24.) The Applicants do not find where Junghans addresses transmitting data to a receiver over a voice channel based on a pause in voice traffic". Junghans discloses "C-plane" transmission MODE (not a transmission channel) during voice connections, by doing this, the multiplex 314 will multiplex both data (C-plane mode) and voice (Ure-plane mode) and transmits through air channel data stream 318 (see col.6 lines 15-24).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Junghans (US Patent 6,259,710).

Regarding claims 1, 8 and 15, Junghans discloses for use in communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone (see col.4 line 45 through col.5 line 4), a system comprising:

a silence detector, coupled to said base station transceiver, that identifies a pause in voice traffic that is to be transmitted over and generates an interjection signal during said pause (see col.5 line 64 through col.6 line 15);

data injector, coupled to said silence detector, that receives said interjection signal and responds by causing said transmitter to transmit data to said receiver over said voice channel (see col.5 line 64 through col.6 line 29, "TDMA" reads on voice channel).

Regarding claims 2, 9 and 16, Junghans discloses voice traffic is analog voice traffic (see col.7 lines 9-14).

Regarding claims 6, 13 and 19, Junghans discloses transmitter transmits said voice in frames (see col.5 lines 14-15).

Regarding claims 21-22, Junghans discloses system receives said voice traffic and said data from a telephone line coupled thereto (see col.4 lines 45-65).

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4. Claims 4-5, 11-12 and 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Junghans, in view of Martensson et al. (US Patent 6,349,212).

Regarding claims 4, 11 and 17, Junghans fails to disclose said data comprises caller identification data.

Martensson et al. disclose data comprises caller identification data (see col.1 lines 15-40 and col.5 lines 55-56). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Junghans with the above teaching Martensson et al. in order to provide call management services such as call screening in conjunction with subscribers.

Regarding to claims 5, 12 and 18, Junghans fails to disclose said data comprises menu item selection data.

Martensson et al. disclose said data comprises menu item selection data (see col.6 lines 15-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Junghans with the above teaching of Martensson et al. in order provide a menu option is chosen and confirmed by actuation of the handset.

5. Claims 7, 14 and 20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Junghans in view of Walley et al. (US Patent 6,301,287).

Regarding to claims 7, 14 and 20, Junghans fails to disclose comparing a peak energy of said voice traffic to a noise floor reference.

Walley et al. disclose comparing a peak energy of said voice traffic to a noise floor reference (see col.12 lines 5-25). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify the system of Junghans with the above teaching of Walley et al. in order to estimate signal quality.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 703-305-3427. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

IN
October 19, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER